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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,221	03/18/2002	Thomas Kotlarski	1984	9957

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103 East Neck Road
Huntington, NY 11743

EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/11/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,221

Applicant(s)

KOTLARSKI, THOMAS

Examiner

Gary K Graham

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Reference to the claims from the written description does not appear proper. The written description should not look to the claims to define the invention.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not clearly set forth a plurality of blades of various dimension being provided together in "kit" form, which is essentially what is being claimed in claim 1. While the specification sets forth that there can be a plurality of blade of various dimensions, there is no particular relationship established between such blades.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 5-7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 6, there is no antecedent basis for "the two end sections".

In claim 4, line 1, reference to "Fig.3" is improper. A claim cannot depend from a figure. The claim has been treated as though it depends from claim 3.

In claim 5, line 3, there is no antecedent basis for "the seat position".

In claim 6, line 2, there is no antecedent basis for "the seat position".

In claim 7, line 2, there is no antecedent basis for "the seat position".

In claim 9, line 3, there is no antecedent basis for "the seat position".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7, 13 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bosch '036

The patent to Bosch discloses the invention as is claimed. Note figures 4-6 which show support elements of various dimensions for wiper blades. The support elements each have the same width in a midsection thereof such that they can fit in the same connecting device. Note blade (9) on a lower band surface of the support element and connecting device (5) on an upper band surface thereof.

With respect to claim 7, note figure 4 which shows a widening of the support element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosch '036 in view of Oishei '617.

The patent to Bosch discloses all of the above recited subject matter with the exception of the support elements having caps on each end thereof.

The patent to Oishei discloses providing caps (16) on each end of a support element (13,14,15). The support element is provided with extensions (19) with keeper parts (21) thereon. Such keeper parts form a lateral widening on the support element and act to define a recess or constriction into which seat (20) of the cap is received.

It would have been obvious to one of skill in the art to provide extensions on the ends of the support elements of Bosch and to provide caps thereon, as clearly suggested by Oishei, to provide a protective cover aiding in prevention of damage to the vehicle by the support element.

With respect to claim 3, it would be obvious to make the extensions on the various support elements on Bosch all the same size such that a single cap could be used. Since the support elements of Bosch are all the same width, it appears obvious the extension for the caps would all be the same width as well. There is no motivation to make differently sized caps for support elements that are of the same width.

With respect to claims 10 and 11, as stated above, Oishei uses both constriction and widening to secure the caps on the support elements.

Claims 1, 2, 5, 6, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frimley '955 in view of Yang '896.

The patent to Frimley discloses the invention substantially as is claimed, including a support element (16) for support a wiper blade (8) on one side and being supported by a connection device (2) on the other side. The support element has a width constriction for seating the connection device (fig.2).

The patent to Frimley discloses all of the above with the exception of there being multiple blade of various dimensions.

The patent to Yang discloses that it is known to make wiper blades of various lengths for use with different vehicles (see background). While Yang discloses making length adjustable, he does clearly disclose that making blades and associated support structure of different lengths is known. Note that while Yang discloses various lengths for use with different vehicle designs, the width of the blade and associated structure remains constant. Such aids in the reduction of the number of components that need to be manufactured.

It would have been obvious to one of skill in the art to make the blades of Frimley of various lengths, as clearly suggested by Yang, to enable use with various vehicle requiring different lengths. It is notoriously well known to make blades of different lengths. Making the blades of Frimley of various lengths would be entirely obvious to enable use with a variety of vehicles. Further, it is known to maintain the width of the blade and associated structure, see Yang, even while providing different lengths. It would be obvious to one of skill in the art to maintain the width of the blade and associated structure when providing multi length blades of Frimley to

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enable universal fitting. It is common industry practice to employ constant width while providing various lengths. Such enables differing length blades to be used with common supporting structure, thus reducing production costs.

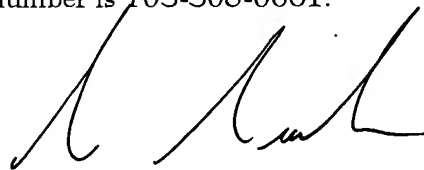
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 703-308-1270. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Gary K Graham
Primary Examiner
Art Unit 1744